

REMARKS

In this paper, claims 1, 11-15, 17 and 18 are currently amended. After entry of the above amendment, claims 1-21 are pending.

The specification has been amended to overcome the objection noted by the examiner.

Claims 1-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Fujii, (US 2003/0071436). This basis for rejection is respectfully traversed.

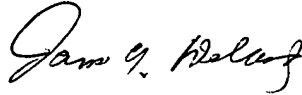
Claim 1 recites a canceling unit that cancels a tentative shift if a decision unit decides that a current running condition value varies from a previous running condition value by a determined value. The office action maintains that this element is satisfied by step S24 in Fig. 6 of Fujii. Step S24 in Fujii determines whether or not an acquired current speed is less than a downshift threshold value D(VP). While it is possible that step S24 could be reached if it is determined in step S27 that a reacquired speed is not greater than an upshift threshold value, thereby canceling a pending shift, such a cancellation is not made in response to a current running condition (a reacquired speed) varying from a previous running condition (a previously acquired speed) by a determined value. The cancellation is independent of the previously acquired speed. Thus, Fujii neither discloses nor suggests the subject matter recited in claim 1.

Accordingly, it is believed that the rejection under 35 U.S.C. §102 has been overcome by the foregoing remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application is respectfully requested. Allowance of all claims is earnestly solicited.

RYUICHIRO TAKAMOTO, et al  
Application No.: 10/711,548  
Page 9

PATENT

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James A. Deland".

James A. Deland  
Reg. No. 31,242

DELAND LAW OFFICE  
P.O. Box 69  
Klamath River, California 96050  
(530) 465-2430